

REMARKS

New claims 20, 22, 25 and 27 have been added. The application has twelve pending claims, including independent claims 20 and 22 and dependent claims 3, 4, 6, 14, 15, 21 and 23-27. Applicants acknowledge that the allowability of claims 26 and 27 is withdrawn in view of the newly discovered reference to Hanson et al. All rejections are respectfully traversed. Favorable reconsideration of the claims is respectfully requested.

Claim Objections

Claim 25 is objected to because of the following informalities: "back support member" (lines 2-3) should read --seat back-- as no back support member is recited in claim 22. Claim 25 has been amended to correct back support member to read --seat back--.

35 USC § 112

Claims 3, 4, 6, 14, 15, 20-25 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20 and 22 recite the limitation "the guide pin" in lines 6-7. The Examiner stated that there is insufficient antecedent basis for this limitation in the claim. These claims have been amended to change the guide pin to read --a guide pin--.

Regarding claim 27, the Examiner stated that the phrase "arc-shaped" renders the claims indefinite because the meets and bounds of the claim are not clearly set forth. Consequently, the Examiner concluded that the scope of the claim is unascertainable, citing MPEP § 2173.05.

Section 2173.05 of the MPEP states "[t]he meaning of every term used in a claim should be apparent from the prior art *or from the specification and drawings* at the time the application is filed (emphasis added). Applicants respectfully submit that the meaning of the term "arc-shaped" is apparent from the *specification and drawings*.

See particularly, portions 110, 112 described in the specification at the end of paragraph [030] on page 8 and shown in Fig. 8. This meets the requirements of MPEP § 2173.05. Hence, the meets and bounds of the claim are clearly set forth and the claim definite. Notwithstanding, in a brief informal telephone interview with Examiner Edell on January 16, 2008, the Examiner argued that the use of the term "shaped" was indefinite, reasoning that the lower portion was arced or it wasn't, the use of the term added nothing to the claim to provide greater clarity. In an effort to advance the prosecution of the application, claim 27 has been amended to change arc-shaped to read --read--.

### 35 USC 103

Claims 3, 4, 20-23 and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,488,332 B1, to Markwald, in view of U.S. Patent No. 6,086,086, to Hanson et al.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The claimed invention must be considered as a whole and the references must be considered as a whole. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182 187 n.5 (Fed. Cir. 1986). Moreover, the references, when combined, must teach or suggest all the claim limitations and the teaching or suggestion to make the claimed combination must be found in the references, and not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). A statement that modifications of the references to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Claims 20 and 22 recite a sliding mechanism configured to mount the seat tray for forward and rearward sliding movement in a *single plane* with respect to the base in a low friction manner. Moreover, the claims recite a pivot point for a seat back positioned at the *anatomical hip* of the user of the seating system and a pivot point for a leg support positioned at the *anatomical knee* of the user.

Markwald fails to teach or suggestion a sliding mechanism as recited in the claims. Markwald discloses a guide (17), which may qualify as a sliding mechanism, and a seat surface (7) but Markwald does not teach or suggest that the guide is configured to mount the seat surface for forward and rearward sliding movement in a *single plane*, as recited in the claims.

Markwald also fails to disclose pivot points as recited in the claims. Markwald appears to disclose seat back and knee pivot points (9) and (11) but Markwald does not teach or suggest that the pivot points are positioned at the *anatomical hip and knee* of the user, as recited in the claims.

Hansen fails to cure the deficiencies in Markwald. Hansen discloses a seat base (82) but does not teach or suggest that *the seat base is configured for forward and rearward sliding movement*. Moreover, Hansen discloses pivot posts (62), but does not teach or suggest that the pivot points are positioned at the *anatomical hip and knee* of the user, as recited in the claims. In the absence of such teaching or suggestion, the Examiner has not established a prima facie case of obviousness. Consequently, the rejection of the claims is improper and should be withdrawn.

If an independent claim is allowable, then any claim depending therefrom is allowable. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 3, 4, 6, 14, 15, 21 and 23-25 depend from claims 20 and 22 and should be allowable for at least the same reasons as claims 20 and 22, as set forth above.

In addition, the sliding mechanism recited in claims 3 and 23 limits the sliding movement of a seat tray to a *substantially horizontal movement*.

Neither Markwald nor Hansen teach or suggest a seat tray *limited to substantially horizontal movement*. Markwald discloses a seat surface (7), which may

qualify as a seat tray, but Markwald does not teach or suggest that the seat surface is *limited to substantially horizontal movement*, as recited in the claims. In fact, Markwald's seat surface has vertical and horizontal components of movement. As a consequence, it is not *limited to substantially horizontal movement*. Hansen is entirely devoid of any disclosure of a *seat base is configured for sliding movement*, horizontal or otherwise. In the absence of any teaching or suggestion of a seat surface that is *limited to substantially horizontal movement*, the rejection of claims 3 and 23 is improper and should be withdrawn, and the claims should be allowable in their own right.

Claims 6, 14, 15, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markwald in view Hanson et al., as applied to claims 3, 4, 20-23 and 27 above, and further in view of U.S. Patent No. 327,775 to Dodge.

Dodge fails to cure the deficiencies in Markwald.

In addition, claims 6, 14 and 24 recite a seat back that is connected to a back support member, wherein downward movement of the back support member in a substantially vertical direction with respect to a base causes the seat back to pivot at a seat tray, thereby reclining the seat back, and thereby causing the seat tray to slide forward with respect to the base.

Markwald fails to disclose a seat back that *moves downward to cause the seat back to pivot at a seat tray and thereby recline, which in turn causes the seat tray to slide forward with respect to a base*, as admitted by the Examiner. The Examiner interprets a shaft (H) disclosed by Douglas to be a seat back support member. However, Douglas fails to disclose a *seat tray* and there is no teaching or suggestion that *downward movement of the shaft can cause a seat tray to slide forward with respect to a base*. To this end, the references, when combined, do not teach or suggest all the claim limitations. Consequently, the rejection of the claims as being obvious is improper and should be withdrawn.

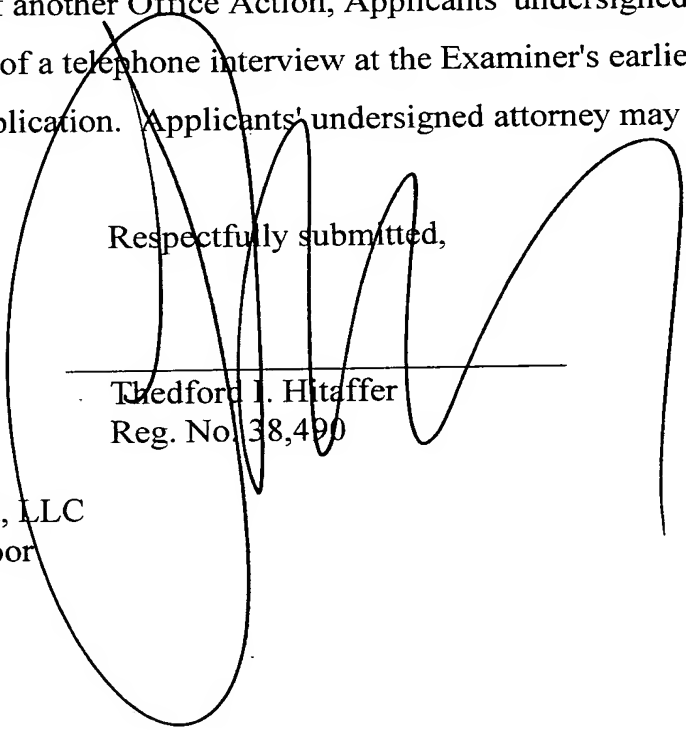
Conclusion

In view of the above remarks, it is believed that the application is in condition for allowance. Accordingly, favorable reconsideration and a prompt Notice of Allowance are respectfully requested.

Request for Telephone Interview

As a final matter, if the Examiner does not find the application in condition for allowance, prior to issuance of another Office Action, Applicants' undersigned attorney requests the courtesy of a telephone interview at the Examiner's earliest convenience to discuss the application. Applicants' undersigned attorney may be contacted at (419) 255-5900.

Respectfully submitted,



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